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Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 13 April 2005 from the Permanent Representative of Iraq to the United Nations addressed to the Chairman of the Committee

With reference to my letter dated 28 March 2005, I have the honour to submit herewith Iraq's national report, in accordance with paragraph 4 of Security Council resolution 1540 (2004) (see annex).

I would be grateful if the report could be issued as a document of the Security Council.

(*Signed*) Samir Shakir M. **Sumaida'ie**
Ambassador
Permanent Representative

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Annex to the letter dated 13 April 2005 from the Permanent Representative of Iraq to the United Nations addressed to the Chairman of the Committee

[Original: Arabic]

National Report — Iraq

Report submitted pursuant to article 4 of Security Council resolution 1540 (2004)

Iraq welcomed the unanimous adoption by the Security Council of resolution 1540 (2004). Iraq views the resolution as an effective tool in the context of the enhancement and strengthening of international measures aimed at prompt collective action to deal with the challenge represented by the proliferation of weapons of mass destruction and their means of delivery. This is particularly true of those measures aimed at preventing such weapons and means from falling into the hands of non-State actors, an eventuality that represents an important concern of the international community owing to its relationship to international peace and security.

The competent authorities are strongly committed to the implementation of Security Council resolution 1540 (2004) and ready to cooperate with the Committee established under that resolution.

Legislative measures

The Interim Government of Iraq, affirming its commitment to and respect for the international treaties, conventions and arrangements pertaining to disarmament and the control of the spread and prevention of the proliferation of weapons, has adopted a number of legislative measures, as follows:

1. Article 27 (E) of the Law of Administration for the State of Iraq for the Transitional Period, adopted on 8 March 2004, provides as follows:

> (E) The Iraqi Transitional Government shall respect and implement Iraq's international obligations regarding the non-proliferation, non-development, non-production, and non-use of nuclear, chemical, and biological weapons, and associated equipment, materiel, technologies, and delivery systems for use in the development, manufacture, production, and use of such weapons;

2. Order No. 26, issued by the Coalition Provisional Authority (CPA) in December 2003, concerning temporary measures for the control of Iraqi borders, ports and airports provides as follows:

> Paragraph 6. The expression "item subject to control and registration" means any item contained in the control lists of the Missile Technology Control Regime, the Australia group, the Nuclear Suppliers Group, the Zangger Committee or the Wassenaar Arrangement or any documents, systems, components, materials, computer operating systems or other technology that may be intended to contribute to the acquisition, manufacture, development, research or transfer of weapons of mass destruction, their delivery systems or advanced conventional military systems. The term "technology" means information necessary for the design, development,

production, or use of any commodity or computer operating system subject to control;

3. The Coalition Provisional Authority, by its Order No. 26, issued in August 2003, created the Department of Border Enforcement and entrusted to it the task of securing and borders and controlling border activities in accordance with all applicable CPA Regulations, Orders, and Memoranda, including CPA Order No. 16 regarding the Temporary Control of Iraqi Borders, Ports and Airports ...

4. Annex A to Coalition Provisional Authority Order No. 54 on trade liberalization policy, issued in February 2004, provides as follows under the section on restricted imports:

1. Items and technologies listed in the following international non-proliferation regimes (that are not otherwise prohibited under United Nations Security Council Resolutions or CPA Orders) cannot be imported in any quantity unless the Ministry of Trade issues a license authorizing the import:

- Australia Group;
- Missile Technology Control Regime;
- Nuclear Suppliers Group;
- Wassenaar Arrangement;

2. Items and technologies listed in the following international non-proliferation regimes cannot be imported in any quantity unless the Ministry of Trade issues a license authorizing the import:

- Australia Group;
- Nuclear Suppliers Group;
- Wassenaar Arrangement;

5. Coalition Provisional Authority Order No. 72, issued in June 2004, on the establishment of the Iraqi Radioactive Source Regulatory Authority as an independent agency entrusted with the responsibility for controlling radioactive sources and related exposure to ionizing radiation from radioactive sources and radioactive waste. The order provides that the agency shall carry out its responsibilities in accordance with the guidelines of the International Atomic Energy Agency (IAEA) set forth in its Code of Conduct on the Safety and Security of Radioactive Sources;

6. Coalition Provisional Authority Order No. 79 on the establishment of the Iraqi Non-Proliferation Programs Foundation (INPF), the preambular paragraphs of which state the following:

Recognizing that United Nations Security Council Resolution 1540 (2004) affirms that proliferation of nuclear, chemical, and biological weapons and their means of delivery constitutes a threat to international peace and security and requires that all States take effective measures to prevent the proliferation of such weapons, including by establishing appropriate controls over materials, equipment and technology which could be used for the design, development, production or use of such weapons,

Reaffirming the need to prevent the proliferation of technologies and expertise related to weapons of mass destruction (WMD) — nuclear, chemical, and biological weapons — their delivery systems, and other advanced military technologies;

The Order further provided that the Ministers of Science and Technology, Higher Education and Scientific Research, Agriculture, Industry and Minerals, Health, and Environment and the President of Iraqi National Academy of Science would constitute the founding Board of Directors for INPF.

Implementation measures

Regarding implementation, the responsibility for carrying out non-proliferation measures rests with a number of ministries and agencies, such as the Ministry of Science and Technology, the Ministry of Trade, the Ministry of State for National Security Affairs, the Ministry of the Interior, the Ministry of Finance, the Ministry of Defence, Ministry of Higher Education and Scientific Research, the Iraqi Radioactive Source Regulatory Authority and the Ministry of Foreign Affairs. The Ministry of Foreign Affairs, in cooperation with the National Security Council Subcommittee on Disarmament and Non-proliferation, shall be responsible for ensuring coordination among those agencies, defining their responsibilities and monitoring compliance with the requirements of Security Council resolution 1540 (2004). The Ministry of Foreign Affairs shall prepare the national report to the Security Council Committee established pursuant to that resolution.

Enforcement measures

1. Iraq has declared its support for global accession to the international conventions on weapons of mass destruction, global compliance with them without any discrimination and the total elimination of such weapons as the only way to safeguard the international community against their use or the threat of such use. High officials have clearly stated that Iraq is to be a country free of weapons of mass destruction and their means of delivery and that Iraq affirms its adherence to the conventions and treaties on disarmament and non-proliferation and its intention to participate effectively in international meetings and conferences on the subject. The Prime Minister of the Interim Government has stated that he will encourage the elected Iraqi Government to accede to the international conventions and treaties to which Iraq is not yet a party, such as the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Chemical Weapons Convention). In this regard, Iraq continues its support for international initiatives that contribute to the prevention of the spread of weapons of mass destruction and their means of delivery and intends to enact legislation in keeping with the guiding principles of the multilateral non-proliferation regimes.

2. On 11 July 2004, the National Security Adviser issued a press release stating that Iraq would be a model for the countries of the region and the world in its commitment to the principles of non-proliferation, including the ban on chemical, biological and nuclear weapons.

3. In keeping with Iraq's attachment to the establishment of an effective export monitoring system in accordance with the relevant international standards of the non-proliferation organizations, Iraqi officials have participated in conferences held

in Vienna, Amman, Istanbul and London and discussed with their counterparts ways of securing borders and monitoring exports and the technology used for those purposes. The participating Iraqi delegations enjoyed the support of the bodies organizing those conferences.

4. A subcommittee of the National Security Council has been created. The subcommittee, which meets weekly, is concerned with disarmament and non-proliferation issues, measures adopted by Government authorities for the implementation of the relevant resolutions and follow-up of Iraq's participation in international activities that confirm the Iraqi Government's new directives and its desire to become a model to be emulated by others. The meetings are attended by representatives of the Ministries of Foreign Affairs, Science and Technology, Environment, the Interior, Defence and Justice, the border forces, the Customs Authority, the National Intelligence Service and the Iraqi Radioactive Source Regulatory Authority.

5. The Iraqi Radioactive Source Regulatory Authority was established pursuant to Order No. 72 of 2004 in compliance with an IAEA request to member States to establish monitoring agencies to regulate the management of radioactive sources. The Authority began operations at the start of 2005 by means of a plan of action that included projects such as a complete inventory of radioactive sources in Iraq, a search for lost radioactive sources, the control of the storage of depleted radioactive sources, the burying of low-level radioactive waste and control of border-crossing points. It is currently engaged in coordination with the competent Iraqi authorities for the implementation of border control procedures through the training of officials, the supplying of state-of-the-art equipment and the provision of whatever is required for the success of the operation. In addition, the Authority has approached IAEA in order to inform it of Iraq's commitment to applying the Code of Conduct on the Safety and Security of Radioactive Sources and to discuss various aspects of cooperation between Iraq and the Agency.

6. The National Monitoring Directorate of the Ministry of Science and Technology, which was established pursuant to Security Council resolutions on weapons of mass destruction, follows the monitoring of the implementation of the monitoring, verification and inspection plan and the Ongoing Monitoring System for dual-use materials and equipment, including the mechanism for the import and export of such materials and equipment, in accordance with the following:

- Control of dual-use materials and equipment in Iraq;
- Monitoring of all activities of public and private corporations to ensure that they do not undertake activities proscribed under international conventions and treaties and the relevant obligations which they entail for Iraq;
- Establishment of effective national measures to prevent any party from using Iraqi territory to develop any nuclear, chemical or biological weapon or means of delivery thereof and to guarantee that no such weapons are acquired, developed, transported, transferred, transformed or used;
- Monitoring of the importation and exportation of dual-use materials and equipment proscribed by treaties and conventions concluded or to be concluded and ascertainment of the end-users of such materials;

- Participation in the drafting of penal legislation to govern the use or handling of dual-use materials;

- Monitoring of materials and equipment subject to control with a view to preventing any illegal traffic in them within the border security programmes.

7. The Iraqi Non-Proliferation Programs Foundation was established pursuant to the annex to Order No. 79 of 2004. The Minister of Science and Technology has been elected to chair the Foundation and appropriate amounts to fund the work of the Foundation have been allocated out of the general budget.

8. There exists a centre named the Radiation Protection Centre, placed under the Ministry of Environment. Having a monitoring and consultative nature, the Centre was created under the Ionizing Radiation Protection Act (Act No. 99 of 1980). Its functions include monitoring the movement and use of radiation sources and equipment; monitoring the availability of controls for protection against radiation in all health, research and industrial establishments possessing or using radiation sources or equipment; and following up on the question of the establishment of controls for all activities, such as importing, exporting, transport, sale, purchase, storage and handling, that involve radiation sources.

9. The Ministry of Trade applies the instructions in force, in particular those pertaining to Coalition Provisional Authority Order No. 54 of 2004 on trade liberalization policy. Thus, it monitors the prohibition against the importing of narcotics other than those used for medical purposes as well as nuclear, chemical, and biological materials. In addition, there exist compulsory instructions issued by the Ministry or the Customs authorities against the exporting of any material without a proper export licence specifically issued for that material in conformity with the terms and conditions set out in the relevant instructions, directives and orders.

Related activities

During the period from the adoption, on 28 April 2004, of Security Council resolution 1540 (2004) to the preparation of this report, numerous Iraqi delegations have participated in international conventions and meetings that have contributed to the progress of efforts for the prevention of proliferation and illegal traffic and the control of exports and border-crossing points. These activities unequivocally show Iraq's new political orientation with respect to the international conventions and treaties on disarmament and non-proliferation and the responsibilities defined by the resolution in question. The following are the most important of those activities:

- Participation in the First Anniversary Meeting of the Proliferation Security Initiative, held in Cracow, Poland, on 31 May and 1 June 2004. Iraq will participate in the Second Anniversary Meeting at the invitation of the Government of Poland;

- Meeting of the Minister of Science and Technology with the IAEA Director General in July 2004. Among the issues discussed between the two sides were technical cooperation, peaceful uses of energy, the participation of Iraq in the preparation of a database being organized by the Agency on illegal trafficking and the holding of workshops to train Iraqi experts in that field so as to enhance their knowledge of and familiarity with appropriate means for combating illegal traffic;

- Participation in the meetings of the League of Arab States committee charged with preparing a draft treaty on the establishment in the Middle East of a zone free of weapon of mass destruction, in particular nuclear weapons, which were held at the League headquarters in Cairo from 27 June to 1 July 2004 and from 9 to 13 January 2005;

- Participation in the meeting of the Global Threat Reduction Initiative, held in Vienna on 18 and 19 September 2004;

- Participation in the forty-eighth session of the IAEA General Conference, held from 20 to 24 September 2004, at which Iraq discussed the prospects for cooperation with the Agency, especially with regard to technical aspects and the fate of materials subject to IAEA monitoring;

- Participation in the Sixth International Conference on Export Control, which was held in London from 8 to 10 November 2004 and at which Iraq's participation was warmly welcomed by the conference organizers, who provided the desired facilities for the success of that participation and the hoped-for benefit from it;

- Participation in the Global Transshipment Control Enforcement Workshop held in Malta by the Office of Nonproliferation of the United States Department of State from 11 to 14 May 2004;

- On 12 August 2004 the Iraqi Minister for Foreign Affairs addressed to Mr. Rogelio Pfirter, Director-General of the Organization for the Prohibition of Chemical Weapons, a letter of reply in which he affirmed Iraq's commitment to the conventions and treaties on the non-proliferation of weapons of mass destruction and its intention to accede to the Convention as soon as an elected Iraqi Government was established;

- Iraq also participated in an observer capacity in the ninth session of the Conference of the Organization for the Prohibition of Chemical Weapons, held at The Hague from 29 November to 3 December 2004. Iraq's participation in the session was welcomed by the Organization's secretariat and by friendly States, which expressed their readiness to offer assistance to Iraq as soon as it decided to accede to the Convention. In addition, Iraq participated in the second regional meeting of Governments of Asian States parties to the Chemical Weapons Convention, which was held in Beijing from 20 to 22 September 2004. Iraq's participation was accorded attention by the officials of the Organization for the Prohibition of Chemical Weapons as well as by friendly States;

- Participation in the meeting of Government experts of the States Parties to the Biological Weapons Convention held in Geneva from 19 to 30 July 2004, at which one of the topics discussed by the experts was how to prevent terrorist groups from obtaining biological weapons;

- Iraq also participated in the second meeting of States Parties to the Biological Weapons Convention from 6 to 10 December 2004, one of the items on the agenda of which was discussion, increased common understanding and effective measures for enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological weapons or suspicious outbreaks of disease;

– Participation in the International Conference on Nuclear Security: Global Directions for the Future, held in London from 16 to 18 March 2005.

Treaties, conventions and protocols to which Iraq is a party

1. Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare;
2. Convention for the supervision of the international trade in arms, munitions and implements of war;
3. Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water;
4. Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies;
5. Treaty on the Non-Proliferation of Nuclear Weapons;
6. Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof;
7. Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction;
8. Convention on Early Notification of a Nuclear Accident;
9. Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency;
10. IAEA safeguards agreement;
11. Convention on Offences and Certain Other Acts Committed on Board Aircraft;
12. Convention for the Suppression of Unlawful Seizure of Aircraft;
13. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;
14. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;
15. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation.

Conventions only signed by Iraq

1. Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques;
2. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation;
3. International Convention against the Taking of Hostages;

4. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf;

5. 1998 Arab Convention for the Suppression of Terrorism.

In-depth study currently in progress for accession by Iraq to other relevant treaties, conventions and protocols

A world without weapons of mass destruction will be a safer place for us all as well as for our children and grandchildren. It therefore behoves us to work towards the serious application of disarmament and non-proliferation treaties and conventions. The facts show, however, that the possibility that terrorist networks might seek to engage in illegal trade in technologies and materials that might be used for the production of weapons of mass destruction clearly constitutes a dangerous threat to us all and makes it imperative for us to act without delay to prevent the occurrence of something irreversible.

There exists a consensus among the Members of the United Nations concerning the serious threat posed by the possibility that nuclear, biological or chemical weapons or their means of delivery might find their way into the hands of non-State actors and be used for terrorist purposes and there is a growing sense of urgency regarding the seriousness of the issue. It is essential, therefore, that we deal with that threat as a united front, with greater effectiveness and with full understanding of just what is involved.

Finally, we should like to point out that the Iraqi people are now being consumed by terrorism and violence that have resulted in the killing of thousands of innocent people; the destruction of both public and private property; violations of honour, things sacred and holy places, including houses of worship; and the thwarting of the democratic process, development and reconstruction. Most of all, this has resulted in the loss of what is dearest to the hearts of Iraqis, namely their security. For that reason, they value highly the international efforts made to combat terrorism in all its forms, including the closing of gaps through which terrorists might slip in order to inflict heavy losses of life and property and create hatred among peoples and religions, and they strongly desire to be part of the effort of international cooperation to eradicate the devastating plague of terrorism.